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**STATEMENT OF
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**“COMPREHENSIVE IMMIGRATION REFORM IN 2009:
CAN WE DO IT, AND HOW?”**

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

SENATE COMMITTEE ON THE JUDICIARY

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Chairman Schumer, Ranking Member Cornyn, and members of the Subcommittee: I am Wade Henderson, President and CEO of the Leadership Conference on Civil Rights (LCCR). I appreciate the opportunity to present to you the views of the Leadership Conference in today's hearing on the possibilities for immigration policy reform in 2009.

LCCR is the nation's oldest and most diverse coalition of civil rights organizations. Founded in 1950 by Arnold Aronson, A. Philip Randolph, and Roy Wilkins, the Leadership Conference seeks to further the goal of equality under law through legislative advocacy and public education. LCCR consists of more than 200 national organizations representing persons of color, women, children, organized labor, persons with disabilities, the elderly, gays and lesbians, and major religious groups. I am privileged to represent the civil and human rights community in submitting testimony for the record to the Committee.

Comprehensive Immigration Reform, a Matter of Civil and Human Rights

I would like to begin by noting what I hope are a few general points of agreement. First, I believe that everyone in this room can agree that our nation's immigration system is badly broken. It fails to keep up with economic realities, it fails to provide an orderly way to keep track of who is here, it inhumanely splits and keeps families apart, it penalizes children for the actions of their parents, and it is so unfair and so burdensome that it fails to give people enough incentives to play by the rules. America's immigration system clearly needs sweeping changes, and it needs them soon.

Second, I think we can also agree that in fixing our immigration system, it is vital that we include more effective – but also more realistic and more humane – immigration enforcement. It is important for many reasons to know who is coming here and under what circumstances, but it is simply unrealistic to attempt to stretch fences across our massive national borders, and we certainly cannot leave federal immigration law enforcement haphazardly in the hands of state and local law enforcement officials, or worse, in the hands of private groups such as the Minutemen. As a nation, we can and must take more sensible measures like hiring additional



inspectors and border patrol agents, making better use of technology, and working more closely with Mexico to cut down on problems like human trafficking and the drug trade.

Third, I would hope that we can also agree on the importance of giving the estimated 12 million undocumented immigrants, living and working in our country, a realistic way to come out of the shadows and legalize their status. As a lifelong civil rights advocate, I do not see this as an issue of economics. I see it as a moral one, and I believe it goes directly to our most basic understanding of civil and human rights.

It is easy to focus on the charge that undocumented immigrants have broken the rules in order to get here. We do not need to condone violations of our immigration laws. But as we do in most other circumstances, we should also look at *why* these individuals broke the rules. Motives count. And the overwhelming majority of these 12 million people have broken the rules *not* to “steal jobs,” to live off the government, or to take advantage of anyone else. Instead, most of them have been motivated, to the point where many have even risked their lives to come here, by the desire to escape economic or political hardships that few native-born Americans today could fully understand. And they are all too often enticed here by employers who are perfectly happy to use and abuse them in the process.

When we consider the motives of the bulk of the undocumented immigrants who live and work in our country, it is clear to LCCR – and hopefully to everyone – that our policies should not treat them as fugitives. For example, undocumented immigrants should not be so afraid of the police, due to their immigration status, that they even refuse to report crimes in their own neighborhoods. When they go to work, they – like every human – have a right to know they will be treated safely and paid fairly. If they drive on our roads, it is in the interest of everyone to make sure they have been insured, trained, and certified to obey the rules of the road. And regardless of how they may have initially come here, if they show a willingness to play by the rules and contribute to our economy and our society, we should have policies in place that will reward their hard work and allow them to enjoy the fullest protections of the law.

Finally, I am sure that we agree that family unity should be a key foundation of our immigration laws, in the same way that it is a key foundation of our society itself. Yet sadly, our current immigration system is chronically plagued by administrative backlogs in the family-based visa process, as well as by the woefully inadequate numbers of family-based visas that become legally available each year. As a result, it can often take years or even more than a decade for close relatives of U.S. citizens or permanent residents to obtain immigrant visas, delays that simply encourage people to overstay temporary visas or find other ways to enter the country in order to be with their loved ones. Addressing these and numerous other problems in our immigration system is an essential component of the modern civil and human rights agenda.

How to Move Forward with Immigration Reform in 2009: Common Solutions for Native-Born and Immigrant Workers

Moving more directly to the focus of today’s hearing, which is on how to establish a path to overhauling our immigration system, I am mindful that these are challenging times to take up an issue like immigration reform. Our economy is clearly struggling, leaving countless numbers of Americans uncertain about their jobs and their economic well-being. Furthermore, Congress has a lot on its plate this year, including many complex “big ticket” priorities, such as the need to address the foreclosure crisis, expand access to affordable health care, and improve our

education system. For the reasons I have outlined in the first part of my testimony, however, the need for immigration reform remains as strong as ever. For the reasons I will explain below, I believe that it can be accomplished.

From our perspective, the biggest hurdle to immigration reform in 2009 lies, as it always has, in addressing concerns about how immigrants affect the existing labor market in the United States. The needs of low-wage workers – a group disproportionately composed of African-American workers – have long been neglected by policymakers, a situation that has needlessly exacerbated tensions between the African-American and immigrant communities. African-American workers are justifiably troubled by the absence of policies to promote economic advancement in their communities. And while there is tremendous disagreement among scholars over the actual effect of immigration on African-American workers, many African Americans, as a result of the difficult economic conditions they face, understandably fear that the immigrant workforce will worsen their situation as increased competition for jobs reduces the opportunities and the wages of all vulnerable workers.

As I will explain, however, there are measures we can take – both within the context of an immigration reform proposal and as a separate workers’ rights package – to address the pressing needs of African-American workers, while simultaneously building support within the African-American community for immigration reform. These can help pave the way to a more just and equitable economy and to an immigration policy that treats both foreign and domestic workers fairly and humanely.

The Impact of Immigration on African-American Employment

The situation facing African-American workers is a complicated one, and the impact of immigration on African Americans’ wages is far from clear. As economists such as Steven Pitts of the Center for Labor Research and Education at the University of California have pointed out, the employment crisis facing African Americans began long before our nation took a more generous approach to immigration policy in 1965. Looking at overall unemployment rates over the last 50 years, we see that the unemployment rate for African Americans has always been approximately twice as high as White Americans, and has remained approximately the same¹ even as the percentage of foreign-born Americans, relative to the population as a whole, has increased in the past several decades:

Year	Black Unemployment	White Unemployment	Black/White Unemployment Ratio
1956	8.3%	3.6%	2.3
1965	8.1%	4.1%	2.0
1975	14.8%	7.8%	1.9
1985	15.1%	6.2%	2.4
1995	10.4%	4.9%	2.1
2005	10.0%	4.4%	2.3

This employment crisis is primarily the result of both historical and contemporary racial discrimination, not only in the labor market, but also in other aspects of society such as housing markets, educational systems, and the criminal justice system. The higher rates – and the lasting

¹ U.S. Department of Labor, Bureau of Labor Statistics; also Council of Economic Advisors, *Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin*, September, 1998, at 26.

stigmatic effects – of incarceration of African-American males are especially significant.² The situation has also been compounded by broader changes in the U.S. economy as a whole, including the globalization of the economy and the movement of many types of jobs overseas.

As to the question of whether immigration might play a role in aggravating the long-existing causes of African-American unemployment, economists who have studied the issue have not been able to establish any sort of consensus.³ Even among experts who do think there is an impact, there is disagreement over its extent. For example, Bernard Anderson, an economist at the University of Pennsylvania's Wharton School, believes that while immigrants have probably taken some jobs previously performed largely by African Americans, there is also evidence that African Americans are less likely to perform low-skill service jobs because they have largely moved on to take better-paying jobs or have retired from the labor force. The displacement that has taken place, Anderson argues, has not had a significant effect on the wages or opportunities of native-born workers.⁴

The Current State of Our Economy and Its Implications for Immigration Reform

While there is no consensus regarding the true economic impact of immigration on low-income native-born workers, one cannot discuss the issue of immigration reform without acknowledging the current troubled state of our economy. Economic insecurity is more keenly felt now in the African-American community than during the last attempt at comprehensive immigration reform in 2007. During these difficult economic times, many African Americans who have successfully achieved a foothold in the middle class are now threatened with the erosion of their standard of living. African Americans have been profoundly affected by the wave of home foreclosures, which have wiped out the family economic assets that African-American families have struggled to accumulate. Similarly, like all Americans, African Americans struggle to keep up with escalating health care costs and other challenges. But this does not mean that African Americans will not support immigration reform – rather, it merely underscores the need for reform proposals that are sensitive to the needs of low-wage workers.

Although many immigration reform opponents will advance the idea that the present economy and the difficulties it presents for American workers militate against immigration reform, I strongly believe that the opposite is true. Immigration reform – if done carefully and with sensitivity to the needs of all low-wage workers – is an important component of a pro-worker agenda. Immigration reform is itself critical to protecting all low-wage workers, including low-wage African-American workers, during this economic downturn. For example, by giving current undocumented workers a path to legal status while making sure that future flow is consistent with labor market needs, we will give these workers the full protection of our labor and employment laws, and will thus prevent employers from exploiting them to drive down the wages of all workers. It is just this kind of thoughtful, fair-minded solution that African Americans genuinely want – contrary to the distorted view that news media has presented of incidents such as the immigration enforcement raid at Howard Industries in Laurel, Mississippi

² See, e.g., Jenny Bussey and John Trasviña, *Racial Preferences: The Treatment of White and African American Job Applicants by Temporary Employment Agencies in California*, Discrimination Research Center, December 2003; Devah Pager, *The Mark of a Criminal Record*, AMERICAN JOURNAL OF SOCIOLOGY 108(5): 937-975.

³ See, e.g., Roger Lowenstein, *The Immigration Equation*, THE NEW YORK TIMES, July 9, 2006.

⁴ *The Immigration Debate: Its Impact on Workers, Wages and Employers*, KNOWLEDGE@WHARTON, May 17, 2006 (located at <http://knowledge.wharton.upenn.edu/article.cfm?articleid=1482>).

last year⁵ –, and which presents a real opportunity to improve the lives of low-wage workers, the native-born, and immigrants alike.

The solution is twofold: to forge policies that 1) better promote economic advancement for all low-wage workers, and 2) prevent immigrant workers themselves from being exploited and used to undercut the wages of domestic workers. We can thus simultaneously give African-American workers a long overdue shot at economic prosperity and can reduce tensions between the African-American and immigrant communities.

Policies Aimed at Improving Conditions for Low-Wage Workers

There are numerous policy proposals that academics and advocates have advanced to assist low-wage workers. By giving these proposals serious consideration, our elected officials can both provide low-wage African-American workers with much-needed assistance, and can help mitigate tensions between African-American and immigrant workers. Enactment of these policies promises to substantially mitigate African-American concerns about aspects of immigration reform that many perceive as presenting a continuing threat to their standard of living.

In 2007, LCCR organized a summit of leaders from African-American, Latino, and Asian-American communities to discuss how the concerns of low-income workers might best be addressed in the ongoing debate over immigration reform. The organizations and leaders involved in those discussions have followed up by coming together in support of a statement of principles and legislative recommendations that we are today urging Congress to take up as the debate over comprehensive immigration reform moves forward. They call upon Congress to provide for:

- Better enforcement of antidiscrimination laws, through testing and other measures, and enhanced public education efforts to counter stereotypes about immigrants and African Americans;
- More open vacancy notification systems, to overcome the use of informal networks of friends and relations to fill low-wage jobs, which reduces job competition;
- Increased enforcement of workplace standards including fair wage and overtime requirements, safety and health and labor laws;
- Making it easier for workers to compete for jobs in other locations through better advertising of unskilled jobs and the allocation of resources to pursue and relocate for them; and
- More job skills, training and adult education opportunities for low-wage workers, including young people and high school dropouts.

I would add, to this list, stronger protections for the right to form a union. Unions have a significant positive effect on the wages and benefits for all economically disenfranchised Americans. In 2006, median earnings for women in unions was 31 percent higher than for non-union women; 36 percent greater for unionized African Americans; 8 percent more for Asian

⁵ See *Immigration raid divides a Mississippi town*, L.A. TIMES, Aug. 31, 2008, at <http://www.latimes.com/news/nationworld/nation/la-na-raids31-2008aug31,0,219718.story?track=rss>.

Americans; and 46 percent more for Latinos.⁶ Indeed, African-American leaders have long recognized the importance of unions. LCCR co-founder A. Philip Randolph, the head of the largely African-American union, the Brotherhood of Sleeping Car Porters, viewed unions as a vital component of the civil rights agenda and critical to bringing African Americans into the middle class.

Comprehensive Immigration Reform that is Mindful of the Needs of Low-Wage Workers

The second key component of an agenda to assist African-American workers and build their support for immigration reform is an immigration bill that provides for the fair and humane treatment of immigrants, and that prevents immigrant workers from being exploited and used to undercut work standards to the detriment of all workers. The two American labor federations, the AFL-CIO and Change to Win, together representing over 60 different unions and about 16 million American workers, recently issued a joint blueprint for immigration reform that embodies these ideas.

This recent agreement promises to be a watershed for immigration and workers rights advocates alike. In the past, the labor movement had grappled internally with the thorny issue of how to both show compassion for international workers who are drawn to this country by the promise of economic opportunity, on one hand, and protect the wages of domestic workers whose wages are diminished as a result of employer exploitation of immigrant workers, on the other hand. The joint blueprint, entitled *Framework for Comprehensive Immigration Reform*, balances these competing interests.⁷

My friend Eliseo Medina of the Service Employees International Union will offer more detail on the proposal, I am sure, in his testimony, so I will only outline it briefly. The labor proposal consists of five major elements: 1) establishment of a commission to determine the number of foreign workers to be admitted annually, based in part on the impact of the flow of workers on the economy and wages; 2) a mechanism to verify worker eligibility, which protects privacy and prevents discrimination, but also works more effectively to prevent unlawful employment; 3) a rational system of border control, which respects the rights of visitors to the United States and border residents; 4) adjustment of status of current undocumented workers, in recognition that deportation is both inhumane and unrealistic, and that denying these workers legal status only enables employers to exploit them; and 5) improvement, not expansion, of current temporary worker programs, to ensure there is no broad class of workers in our democracy who are denied civil and employment rights.

Labor's blueprint meets many of the concerns felt in the African-American community. Rational control over future entry of foreign workers will help prevent immigration from having a strong negative effect on the working conditions of the low-wage workforce. Adjustment of status for current undocumented workers will prevent employers from exploiting these workers – who lack any workplace protections – at the expense of all low-wage workers.

⁶ House of Representatives, Committee on Education and Labor, Report on the Employee Free Choice Act of 2007, at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_reports&docid=f:hr023.110.pdf. Even when adjusted for experience, education, region, industry, occupation and marital status, the wage premiums remain large: 10.5 percent for women, 20.3 percent for African Americans, 21.9 percent for Latinos and 16.7 percent for Asian Americans. Economic Policy Institute, *State of Working America 2006/2007*, at http://www.stateofworkingamerica.org/tabfig/03/SWA06_Table3.34.jpg.

⁷ <http://www.aflcio.org/issues/civilrights/immigration/upload/immigrationreform041409.pdf>.

So-called “Black vs. Brown” in the Immigration Debate: Perceptions and Realities

Finally, Chairman Schumer, I would like to say more about the misperceptions about relations among African Americans and Latinos, misperceptions that many immigration restrictionists have attempted to foster, in recent years, in an effort to pit community against community with the goal of preventing immigration reform. In 2007, for example, a group that called itself the Coalition for the Future American Worker, organized primarily by restrictionist organizations (including several that have been designated as hate groups by the Southern Poverty Law Center), deliberately attempted to stir up African-American resentment toward immigrant communities and immigration reform by running full-page newspaper ads that blamed immigrants for taking hundreds of thousands of jobs from African Americans.

As with any controversial issue, and immigration reform is undoubtedly a controversial issue, there will inevitably be a range of individual opinions within any community. But on the whole, the relationship between the African-American community and immigrant communities has long been far too complex to neatly summarize in a newspaper ad.

Recent research conducted by our partner, Celinda Lake, shows that not only are these perceptions and relationships complex, they also point to opportunities to strengthen collective action among these communities. For example, the research consistently points out that, on one hand, as minority groups in America, African Americans and immigrants share a strong common interest in fairness and equal opportunity. Indeed, because the immigrant community includes many individuals of African and Caribbean descent, African Americans do have a direct interest in fair immigration policies. For these reasons, the traditional civil rights movement was instrumental in eliminating discriminatory immigration quota laws in favor of more generous policies in the 1960s, and leading civil rights organizations have continued to speak out on behalf of immigrants’ rights since then.

On the other hand, as I have explained above, it is clear that many individuals represented by traditional civil rights organizations, particularly those who struggle the most to make ends meet in today’s economy, are concerned about the way their economic well-being is affected by increased immigration. Time and time again, immigration opponents focus only on these anxieties while ignoring the common ground that exists. For example, following last year’s raid at Howard Industries, restrictionists focused on a segment of some African-American workers who apparently celebrated the arrests, as an example of the divide between native-born and immigrant workers while ignoring the fact that the black leadership at Howard Industries’ union supported signing up Latino workers and forging solidarity to improve the living standards of all employees.

Contrary to what the propaganda by restrictionist groups might suggest, African-American concerns about the effects of immigration do not, on the whole, lead to any widespread resistance to the legalization of undocumented immigrants or the other elements of comprehensive reform. Our own public opinion research confirms this. In 2007, Lake Research Partners conducted for us African-American focus groups in a number of cities throughout the country, followed by a poll of 700 African-American voters nationwide.

What we found was not surprising. For example, a slim majority of respondents (51 percent) did believe that immigrants take jobs away from Americans, and 52 percent believe that they drive



down wages for Americans, with 59 percent believing that they cause lower wages for African-American workers in particular. Despite these fears, however, we found that 70 percent of respondents supported comprehensive immigration reform that includes increased border security, penalties on employers of illegal workers, and criteria for a path to citizenship, with only 22 percent opposing such reforms. Furthermore, a strong majority (83 percent) agreed that if an immigrant has been working and paying taxes in this country for five years and learning English, there should be a way for her or him to become a citizen, with a 55 percent majority “strongly” agreeing. Finally, our research confirmed that strong majorities of African Americans believe that they can work together with immigrant communities on common social and economic goals such as expanding access to health care and education, reducing crime, and improving wages, work benefits, and job opportunities.⁸

In short, generally, African Americans understand that it is inherently wrong to divide people along the lines of race or ethnicity or national origin, and that creating “us versus them” scenarios does not help anyone in the long run. If Congress does more to protect low-income, native-born workers as a part of immigration reform, consistent with the principles I outlined above, the numbers I have just cited would be even more favorable.

In closing, I would like to add that civil and human rights organizations do take note of how consistently – or inconsistently, in this case – advocates for restrictive immigration policies show their concern for the welfare of African Americans on the whole. For example, during the 2006 reauthorization of the Voting Rights Act, the most important civil rights law governing our most important civil right, the same groups and individuals who claim to be protecting black Americans now stood squarely against us then, and at one point they even went so far as to prevent the reauthorization bill from coming to the House floor. Sadly, the same has often been true of restrictionist voices when it comes to matters such as education, Head Start, racial profiling, affirmative action, hate crimes, and a host of other issues that are of critical importance to the economic well-being of African Americans and other minority groups. To anyone who looks closely, and does not rely solely on full-page newspaper ads, it is clear that immigration restrictionists are not – and never have been – our friends.

This concludes my prepared remarks. Again, I want to thank you for the opportunity to speak before your subcommittee today. I look forward to answering any questions you may have.

⁸ Polling conducted by Lake Research Partners, for the Leadership Conference on Civil Rights & Leadership Conference on Civil Rights Education Fund, December 8-17, 2007, among 700 African-American voters.